

## **Item SPR05-10 Response Form**

**Title:** Small Claims Plain-Language Forms (revise forms SC-100, SC-100A, SC-101, SC-103, SC-104, SC-104A, SC-120; adopt new forms SC-104B and SC-104C)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **only if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Monday, June 20, 2005
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.  
All comments will become part of the public record of the council's action..*

## Invitation to Comment (SPR05-10)

Title	Small Claims Plain-Language Forms (revise forms SC-100, SC-100A, SC-101, SC-103, SC-104, SC-104A, SC-120; adopt new forms SC-104B and SC-104C)
Summary	Small claims forms should be drafted in plain language so that they can be easily understood, completed, and filed by parties representing themselves in small claims court. This proposal includes: (a) technical and suggested revisions of existing plain language forms SC-100 and SC-100A, (b) revision into plain language of five forms related to filing and service of the claim (forms SC-101, SC-103, SC-104, SC-104A, and SC-120), and (c) two new instruction sheets in plain language, <i>What is Proof of Service?</i> (SC-104B) and <i>How to Serve a Business</i> (SC-104C).
Source	Civil and Small Claims Advisory Committee
Staff	Cara Vonk, 415-865-7669, <a href="mailto:cara.vonk@jud.ca.gov">cara.vonk@jud.ca.gov</a>
Discussion	<p>The Judicial Council has already adopted plain language forms for domestic violence and adoption proceedings under the Family Code, civil harassment proceedings under the Code of Civil Procedure, and two small claims forms that went into effect on January 1, 2005. The proposals now being circulated for comment are the next step in the process of converting all small claims forms into language understood by parties who are representing themselves and need easy access to court. This will promote the Judicial Council objective of greater access to the courts.</p> <p>Features of plain language forms to make them more accessible to the user include:</p> <ul style="list-style-type: none"><li>• <i>Layout and style.</i> All information previously included in the caption is now located in the body of the form. When possible, direct address pronouns (such as <i>you</i>) are used in place of legal terms to make the text easier for self-represented parties to understand. The person filling out the form is guided through the form with white space for better readability and prompts that explain the next step.</li><li>• <i>Form number and title.</i> The form number and title are prominently displayed in the upper-left corner where a reader may expect to find them. In references to forms, numbers are preferred over titles, as in federal tax forms because people</li></ul>

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remember and refer to form numbers more easily than names. Some form titles have been modified to help parties understand the nature of the document.

- *Footer.* The address of the California Courts Web site is included in the footer to help users find information about small claims court and the forms.
- *Readability.* The text has been revised to be accessible to users at a sixth grade reading level and above. The typeface has been changed to a more readable font and is larger than in many current forms. The language is simple and direct while preserving the legal intent. Numbers with a strong graphic presence make it easier to navigate the text. The reader sees them at a glance and understands where things begin and end and can better determine how long the process may take.

A summary of each of the proposed forms follows.

### A. SC-100 *Plaintiff's Claim and ORDER to Go to Small Claims Court*

The following changes are recommended after several months experience with the new plain language form that went into effect on January 1, 2005.

1. "Case Name:" was added below "Case Number:" to be completed by the court clerk when the case is filed. This change was made in response to concerns raised by court staff and a multiple filer that parties' names are not identified on the first page of the form, requiring additional time to flip to the second page to obtain this information. Having the case name on the first page will help the judicial officer sitting on the bench identify the case. Court clerks indicated that this information is needed as an additional check against the case number. Only the first named plaintiff and defendant would be listed.
2. "Instructions for the person suing:" was amended to instruct that (a) copies of "all pages" of the form must be made, (b) that a "court stamped" copy of the claim must be given to the defendant, and (c) that no one "named" instead of "involved with this case" may serve the claim to conform to the statutory requirements for small claims service. (See Code Civ. Proc., §§

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116.340(a), 414.10 “not a party to the action,” and 415.20.)

3. On page two of the form, reference to Plaintiff as “the person who is suing” was expanded to add “business or agency” at the suggestion of small claims advisors who were concerned that the form could mislead a plaintiff into thinking that only individuals could file a claim. In addition, reference to “home address” was changed to “street address.” “Phone” was moved as far as possible to the end of the “Name” line in response to requests for more space to enter the name of the plaintiff and defendant, which can be long if the party is doing business under a fictitious name.
4. Several small claims advisors expressed concern about the absence of fields for filling in the name and address of an agent or officer to receive service on behalf of a corporation, association, partnership, or public entity, etc. The old form (pre-2005) also did not include this information. The committee determined that this information would be more appropriate on the proof of service form, rather than on the claim form, and it has been added there. (See proposed plain language form SC-104.)
5. The committee increased fields on page two of the form to provide space for information on two plaintiffs and two defendants instead of one each as listed on the current form. This was done in response to concerns expressed by court clerks and other members of the public about the need to attach an additional sheet (SC-100A) for additional plaintiffs and defendants, resulting in more pages and higher mailing costs. Two plaintiffs or two defendants are frequently included in small claims actions according to clerks. The form was amended without adding additional pages to the current five-page form.
6. The venue provisions were corrected to remedy errors and omissions as follow:
  - a. Item 5a(1) was amended to parallel 5a(2), “where the defendant lives or does business,” by adding to “where the defendant lived,” (past tense) the phrase “or did business” (past tense).
  - b. Item 5b was corrected to follow the statutory language,

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“where the buyer or lessee signed the contract...” (See CCP 395(b).)

- c. Item 5c was corrected to follow the statutory language, “where the buyer signed the contract...” (See CC 1812.10.) The typo in the statutory reference was also corrected.
- d. Item 5d was corrected to follow the statutory language, “where the buyer signed the contract...” (See CC 2984.4.)

The instruction under Item 5 was changed from “(Check all that apply)” to “(Check one that applies),” so that only one zip code may be filled in under Item 6.

- 7. The instruction to plaintiff under item 10 of the form was changed from “the plaintiff cannot appeal” to “I have no right to appeal this claim” because a plaintiff can appeal a defendant’s claim if one is filed. This is more fully explained in the information sheets.
- 8. The declaration under penalty of perjury on all forms was changed from “under the laws of the State of California” to “under California State law” to keep the text on one line while complying with the requirements of Code of Civil Procedure section 2015.5 of keeping the statement in substantially the same form.
- 9. Clerks and members of the public have expressed concern about the number of pages of the current plain language form (five pages) compared with the old (pre-2005) form, which was one two-sided sheet. The additional pages have increased mailing costs (60 cents instead of 37 cents by regular mail and more for certified mail if served by the court clerk). For frequent filers, the plain language form requires more toner and paper to process the form. More flipping of pages is required by clerks to process the current form. Address boxes that appeared at the top of the old form for mailing in window envelopes were removed, requiring clerks to now type out that information.

Many of these concerns were considered when the plain language form was adopted last year. The advisory committee and the Judicial Council determined that users’ language needs should be given preference over efficiency.

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The form was field tested several times and feedback used to develop the current form. A greater number of consumers should be able to understand and therefore comply with the instructions, leading to less staff time assisting consumers who are unable to understand the information. The small claims plain language forms can be reassessed again in the future, with an opportunity to conduct further field testing and make changes as necessary.

B. SC-100A *Other Plaintiffs or Defendants*

This plain language attachment to SC-100 was revised to conform to changes made on SC-100. Reference to plaintiff as “the person who is suing” was expanded to add “business or agency.” “Home address” was changed to “street address.” And “Phone” was moved to the next line, allowing the “Name” to be entered across the entire page in response to requests for more space because some names can be long if the party is doing business under a fictitious name. This page would be attached only if more than two plaintiffs or two defendants are included in the action, which should cut down on the need for this additional page in many cases.

C. SC-101 *Attorney Fee Dispute (After Arbitration)*

This form would be converted to plain language.

D. SC-103 *Fictitious Business Name*

This form would be converted to plain language. An instruction on authorized business signatures was added just above the signature line (“Only the owner, president, CEO or other qualified officer can sign this form”). “Title” was added to the name line, to help the party complete the form properly.

E. SC-104 *Proof of Service*

This form would be converted to plain language. The Small Claims Act allows substituted service without first attempting personal service of the claim. (See Code Civ. Proc., 116.340.) Instructions and fields for filling in proper persons authorized to accept service of process for various business entities were included under item 3. This should address some small claims advisor concerns about the absence of these fields on the SC-100 claim form.

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F. SC-104A Proof of Mailing (Substituted Service)

This form would be converted to plain language. It is attached to form SC-104 when the person who mails the documents is not the same person who personally delivered the documents to the served party. This form would most likely be used by service agencies.

G. SC-104B What is "Proof of Service?"

This would be a new instruction sheet in plain language to explain the three methods of serving a small claims action by (a) personal service, (b) substituted service, and (c) mailing by the court clerk with a return receipt.

H. SC-104C How to Serve a Business

This would be a new instruction sheet in plain language to explain the methods of serving a (a) sole proprietorship, (b) partnership, (c) association, (d) corporation, (e) county or city, and (f) state.

I. SC-120 Defendant's Claim and ORDER to Go to Small Claims Court

This form would be converted to plain language. It conforms to plaintiff's claim plain language SC-100 form, without the venue information, because it would be filed as a counter-claim in the same court. The instruction under item 8 advises that the defendant "has no right to appeal this claim" but further clarifies that the defendant "can appeal the Plaintiff's claim if I lose." A fee waiver instruction was left on the form because the defendant may not otherwise be aware that fees can be waived for qualified applicants. The "Request for Accommodations" instruction and logo have been added. The revised form was expanded from one to three pages.

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Attachments

*Clerk stamps date here when form is filed.*

**DRAFT 6**

**03-15-05 AOC**

**Notice to the person being sued:**

- You are the Defendant if your name is listed in ② on page 2 of this form. The person suing you is the Plaintiff.
- You and the Plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read pages 2 and 3 of this form to understand the Plaintiff's claim against you and page 4 of this form to protect your rights.

**Aviso al Demandado:**

- Usted es el Demandado si su nombre figura in ② de la página 2 de este formulario. La persona que lo demanda es el Demandante.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea las páginas 2 y 3 de este formulario para entender la demanda en su contra y la página 5 de este formulario para proteger sus derechos.

*Fill out court name and street address:*

**Superior Court of California, County of**

*Clerk fills in case # and name when form is filed.*

**Case Number:**

**Case Name:**

**Order to Go to Court**

**The people in ① and ② must go to court on:** *(Clerk fills out below)*

<b>Trial Date</b>	Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: \_\_\_\_\_ Clerk by, \_\_\_\_\_, Deputy

**Instructions for the person suing:**

- You are the Plaintiff. The person you are suing is the Defendant.
- *Before* you fill out this form, read Form SC-150, *Information for the Small Claims Plaintiff*, to know your rights. Get SC-150 at any courthouse, county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make 1 copy for each party named in this case, and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else named in this case—give each Defendant a court stamped copy of all 5 pages of this form and any pages this form tells you to attach. Government agencies, associations and some businesses have special rules for service. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

**1 The Plaintiff (the person, business, or agency who is suing) is:**

Name: \_\_\_\_\_ Phone: ( \_\_\_\_ ) \_\_\_\_\_

Street address: \_\_\_\_\_  
(Street, City, State, Zip)

Mailing address (if different): \_\_\_\_\_  
(Street, City, State, Zip)

**If more than one Plaintiff, list next Plaintiff here:**

Name: \_\_\_\_\_ Phone: ( \_\_\_\_ ) \_\_\_\_\_

Street address: \_\_\_\_\_  
(Street, City, State, Zip)

Mailing address (if different): \_\_\_\_\_  
(Street, City, State, Zip)

☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.

☐ Check here if either Plaintiff listed above is doing business under a fictitious name. If so, attach Form SC-103 and write Fictitious Business Statement number here: \_\_\_\_\_

**2 The Defendant (the person, business, or agency being sued) is:**

Name: \_\_\_\_\_ Phone: ( \_\_\_\_ ) \_\_\_\_\_

Street address: \_\_\_\_\_  
(Street, City, State, Zip)

Mailing address (if different): \_\_\_\_\_  
(Street, City, State, Zip)

**If more than one Defendant, list next Defendant here:**

Name: \_\_\_\_\_ Phone: ( \_\_\_\_ ) \_\_\_\_\_

Street address: \_\_\_\_\_  
(Street, City, State, Zip)

Mailing address (if different): \_\_\_\_\_  
(Street, City, State, Zip)

☐ Check here if more than 2 Defendants and attach Form SC-100A.

If any Defendant is on active military duty, write his or her name here: \_\_\_\_\_

**3 The Plaintiff claims the Defendant owes \$ \_\_\_\_\_. (Explain below):**

a. Why does the Defendant owe the Plaintiff money? \_\_\_\_\_

\_\_\_\_\_

b. When did this happen? (Date): \_\_\_\_\_

If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) \_\_\_\_\_

\_\_\_\_\_

☐ Check here if you need more space. Attach one sheet of paper or Form MC-030 and write "SC-100, Item 3" at the top.



Your name: \_\_\_\_\_

- 4 You must ask the Defendant (in person, in writing, or by phone) to pay you before you sue.  
Have you done this? Yes ☐ No ☐

If no, explain why not: \_\_\_\_\_

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check one that applies):

- a. ☐ (1) Where a contract (written or spoken) was made, signed, performed, or broken by the Defendant *or* where the Defendant lived or did business when the Defendant made the contract. (2) Where the Defendant lives or does business. (3) Where the Plaintiff's property was damaged. (4) Where the Plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract or lives (or lived) if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b))
- c. ☐ Where the buyer signed the contract or lives (or lived) if this claim is about a retail installment contract (like a credit card). (Civil Code, § 1812.10)
- d. ☐ Where the buyer signed the contract or lives (or lived) if this claim is about a vehicle finance sale. (Civil Code, § 2984.4)
- e. ☐ Other (specify): \_\_\_\_\_

- 6 List the zip code of the place checked in 5 above (if you know): \_\_\_\_\_

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☐ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: ☐

- 8 Are you suing a government agency? ☐ Yes ☐ No

If yes, you must file a written claim with the agency first. ☐ A claim was filed on (date): \_\_\_\_\_

If the government agency denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☐ No If yes, the filing fee for this case will be higher.

- 10 I understand that by filing a claim in small claims court:

- I have no right to appeal this claim, and
- I cannot file, and have not filed, more than two small claims cases for more than \$2,500 in California during this calendar year.

I declare under penalty of perjury under California State law that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name



### Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8)

**“Small claims court”** is a special court where claims for \$5,000 or less are decided. The process is quick and cheap. The rules are simple and informal.

You are the Defendant—the person being sued. The person who sued you is the Plaintiff.

### Do I need a lawyer?

You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal).

### How do I get ready for court?

Read “Get Ready for Court” at:

[www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/getready.htm)

### What if I need an accommodation?

If you have a disability or are hearing impaired, fill out Form MC-410, *Request for Accommodations*. Give the form to the court clerk or the ADA/Access Coordinator for your court.

### What if I don’t speak English well?

Bring someone—like a relative or friend—who can interpret for you in court. The court cannot give you an interpreter. But the clerk can give you a list of interpreters. (Interpreters usually charge a fee.)

### Where can I get the court forms I need?

Go to any courthouse or your county law library, or print forms at: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

### What happens at the trial?

The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

### What if I lose the case?

If you lose, you can appeal. You’ll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file Form SC-140, *Notice of Appeal*. You must file within 30 days after the judge’s decision.
- If you were *not* at the trial, fill out and file Form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File Form SC-140.

For more information on appeals, see:

[www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm](http://www.courtinfo.ca.gov/selfhelp/smallclaims/appeal.htm)

### Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the Plaintiff agree on how to settle the case, you must both notify the court. Ask the Small Claims Advisor for help.
- **Prove this is the wrong court.** Send a letter to the court *before* your trial, explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done this.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To make sure the witnesses go to the trial, fill out Form SC-107 and the clerk will subpoena (order) them to go.
- **Sue the person who sued you.** File Form SC-120, *Defendant’s Claim*. There are strict filing deadlines you must follow.
- **Agree with the Plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the Plaintiff what he or she is asking for and court costs. If this happens, the Plaintiff can legally take your money, wages, and property to pay the judgment.

### What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to continue the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Write to the court before the trial and explain why you want a postponement. Enclose a check if you have to pay a fee, unless a waiver was granted.



### Need help?

Your county’s Small Claims Advisor can help for free.

Or go to “County-Specific Court Information” at:

[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

La “**Corte de reclamos menores**” es una corte especial donde se deciden casos por \$5,000 ó menos. El proceso es rápido y barato. Las reglas son sencillas e informales.

Usted es el Demandado — la persona que se está demandando. La persona que lo está demandando es el Demandante.

### ¿Necesito un abogado?

Puede hablar con un abogado antes o después del caso. Pero no puede tener a un abogado que lo represente ante la corte (a menos que se trate de una apelación).

### ¿Cómo me preparo para ir a la corte?

Lea “Prepárese para la corte” en:

[www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/prepararse.htm)

### ¿Qué hago si necesito una adaptación?

Si tiene una discapacidad o tiene impedimentos de audición, llene el formulario MC-410, *Request for Accomodations*. Entregue el formulario al secretario de la corte o al Coordinador de Acceso/ADA de su corte.

### ¿Qué pasa si no hablo bien inglés?

Lleve consigo a alguien, ya sea un pariente o amigo, que pueda servirle de intérprete en la corte. La corte no le puede dar un intérprete. Pero el secretario le puede entregar una lista de intérpretes. (Los intérpretes en general cobran un honorario.)

### ¿Dónde puedo obtener los formularios de la corte que necesito?

Vaya a cualquier edificio de la corte, la biblioteca legal de su condado o imprima los formularios en:

[www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)

### ¿Qué pasa en el juicio?

El juez escuchará a ambas partes. El juez puede tomar su decisión durante la audiencia o enviársela por correo después.

### ¿Qué pasa si pierdo el caso?

Si pierde, puede apelar. Tendrá que pagar una cuota. (El Demandante no puede apelar su propio reclamo.)

- Si estuvo presente en el juicio, llene el formulario SC-140, *Aviso de apelación*. Tiene que presentarlo dentro de 30 días después de la decisión del juez.
- Si no estuvo en el juicio, llene y presente el formulario SC-135, *Aviso de petición para anular el fallo y Declaración* para pedirle al juez que anule el fallo (decisión). Si la corte no le otorga un nuevo juicio, tiene 10 días para apelar la decisión. Presente el formulario SC-140.

Para obtener más información sobre las apelaciones, vea: [www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores/apelar.htm)

### ¿Tengo otras opciones?

Sí. Si lo están demandando, puede:

- **Resolver su caso antes del juicio.** Si usted y el Demandante se ponen de acuerdo en resolver el caso, ambos tienen que notificar a la corte. Pídale al Asesor de Reclamos Menores que lo ayude.
- **Probar que es la corte equivocada.** Envíe una carta a la corte *antes* del juicio explicando por qué cree que es la corte equivocada. Pídale a la corte que despida el reclamo. Tiene que entregar (dar) una copia de su carta (por correo o en persona) a todas las partes. (Su carta a la corte tiene que decir que hizo la entrega.)
- **Ir al juicio y tratar de ganar el caso.** Lleve testigos, recibos y cualquier prueba que necesite para probar su caso. Para asegurarse que los testigos vayan al juicio, llene el formulario SC-107 y el secretario emitirá una orden de comparecencia ordenándoles que se hagan presentes.
- **Demandar a la persona que lo demandó.** Presente el formulario SC-120, *Reclamo del demandado*. Hay fechas límite estrictas que debe seguir.
- **Aceptar el reclamo del Demandante y pagar el dinero.** O, si no puede pagar en ese momento, vaya al juicio y diga que quiere hacer los pagos.
- **No ir al juicio y aceptar el fallo por falta de comparecencia.** Si no llega a un acuerdo con el Demandante y no va al juicio (fallo por falta de comparecencia), el juez le puede otorgar al Demandante lo que está reclamando más los costos de la corte. En ese caso, el Demandante legalmente puede tomar su dinero, su sueldo o sus bienes para cobrar el fallo.

### ¿Qué hago si necesito más tiempo?

Puede cambiar la fecha del juicio si:

- No puede ir a la corte en la fecha programada (Tendrá que pagar una cuota para aplazar el juicio), o
- No le entregaron los documentos legalmente (no recibió la orden para ir a la corte) por lo menos 15 días antes del juicio (ó 20 días si vive fuera del condado), o
- Necesita más tiempo para conseguir intérprete. (Se permite un solo aplazamiento sin tener que pagar cuota para aplazar el juicio).

Escriba a la corte antes del juicio y explique por qué quiere aplazar el juicio. Si tiene que pagar una cuota, adjunte un cheque, a menos que le hayan dado una exención.



**¿Necesita ayuda?** El Asesor de Reclamos Menores de su condado le puede ayudar sin cargo.

O vea “Información por condado” en:

[www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores](http://www.courtinfo.ca.gov/selfhelp/espanol/reclamosmenores)

☒ This form is attached to Form SC-100, Item 1 or 2.

**1 If more than 2 Plaintiffs (person, business, or agency suing), list their information below:**

Other Plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this Plaintiff doing business under a fictitious name? ☐ Yes ☐ No

If yes, attach SC-103 and write Fictitious Business Statement number here: \_\_\_\_\_

Other Plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this Plaintiff doing business under a fictitious name? ☐ Yes ☐ No

If yes, attach SC-103 and write Fictitious Business Statement number here: \_\_\_\_\_

Other Plaintiff's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Is this Plaintiff doing business under a fictitious name? ☐ Yes ☐ No

If yes, attach SC-103 and write Fictitious Business Statement number here: \_\_\_\_\_

**2 If more than 2 Defendants (person, business, or agency being sued), list their information below:**

Other Defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Other Defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Other Defendant's name: \_\_\_\_\_

Street address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing address (if different): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

- ☒ This form is attached to SC-100, Item 7. It tells the Court you are suing about a disagreement for \$5,000 or less in attorney fees and that you have tried to solve the disagreement using arbitration. Read page 2 of this form before you fill out this form. It explains your rights and some small claims terms.

① How much money is in dispute? \$ \_\_\_\_\_ ② You are (check one): ☐ Attorney ☐ Client

③ What did the arbitrator decide? (Check one):

- a. ☐ The ☐ Attorney ☐ Client has to pay the other party this amount: \$ \_\_\_\_\_  
b. ☐ Neither party has to pay the other party anything.

④ Write the date your Notice of Award was mailed here: \_\_\_\_\_ (Look at the bottom of the Notice.)

⑤ Why are you filing in Small Claims Court now?

- a. ☐ I want the Court to **confirm** the award.  
b. ☐ I want the Court to **correct** the award because (Check only one and explain below):  
1. ☐ It contains an error in calculation or a mistake in describing someone or something in the award.  
2. ☐ The arbitrator considered legal issues not allowed in this kind of hearing and the award can be fairly corrected.  
3. ☐ It doesn't follow the rules for proper wording, information or signature. (State Bar Rules 37.2 et seq.)

**Explain:** \_\_\_\_\_

- c. ☐ I want the Court to **vacate (cancel)** the award because (Check only one and explain below):  
1. ☐ It was obtained by fraud, corruption, or other unfair means.  
2. ☐ The arbitrator was corrupt.  
3. ☐ The arbitrator did something wrong that substantially hurt my case.  
4. ☐ The arbitrator considered legal issues not allowed in this kind of hearing and the award cannot be fairly corrected.  
5. ☐ The arbitrator unfairly refused to postpone my case or refused to consider important evidence that could help settle the dispute or other conduct not allowed.  
6. ☐ The arbitrator knew of reasons why he or she could have been disqualified, but did not disclose this information or did not disqualify him/herself after I asked him/her to do so at the proper time.

**Explain:** \_\_\_\_\_

☐ Check here if you are asking for a new arbitration hearing.

- d. ☐ **I want a trial** in Small Claims Court to decide the fee dispute. (You can only check this option if you did not agree in writing to a binding award **and** you file this form within 30 days after the Notice of the Award.)

⑥ Did you (or your attorney) go to the arbitration hearing? ☐ Yes ☐ No If "No," explain below:

\_\_\_\_\_

⑦ Attach a copy of the Arbitration Agreement and the Notice of Award (the arbitrator's decision).

If you do not attach them, explain why here: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name

Your name: \_\_\_\_\_

**What is arbitration?**

Arbitration is when a neutral person (an arbitrator) hears evidence from each side and then makes a decision (award) on your case. It is less formal than a trial in court.

**Do I *have* to use arbitration for this dispute?**

In most cases, yes. The only exceptions are:

- Parties who did not sign an agreement to arbitrate fee disputes, and
- Clients who do not want to use arbitration. The attorney *must* use arbitration if the client asks for it.

**What is *non-binding* arbitration?**

*Non-binding arbitration* allows you *and* the other side to ask for a trial if either of you does not like the arbitrator's decision. You have 30 days after the notice is mailed to ask for a trial.

**What is *binding* arbitration?**

*Binding* arbitration means you and the other side gave up your right to a trial and must accept the arbitrator's decision. Your arbitration is binding if:

- Both sides agreed to binding arbitration in writing, (after they disagreed about fees or costs), or
- 30 days or more have gone by since the non-binding decision was mailed.

**What if I agree with the award?**

If your award is *non-binding* and the other party does not file papers asking for a trial, the award becomes binding in 30 days.

If the award is *binding* and it says the other party owes you money, send a letter asking to be paid within a reasonable time. If you don't get paid, ask the court to confirm the award. This allows you to ask the court to order payment from the other party's paycheck, bank accounts or property. You must do this within 4 years after the notice of award. (See 5a.)

**What if I am not happy with the award?**

You can ask the Court to **correct** the award if it contains an obvious mistake in calculating a number or describing a person, thing, or property. (See 5b.)

You can ask the Court to **vacate (cancel)** the award if certain kinds of misconduct or mistakes happened in the arbitration. (See 5c.)

You can reject the award and **ask for a trial** if you and the other party did not agree in writing to binding arbitration. (See 5d.)

**How long do I have to ask for a trial?**

You have up to 30 days after the date the Notice of Award was mailed to you. Look for the date on the bottom of the notice. If you do not ask for a trial within 30 days, the award will become binding.

**How long do I have to ask the Court to vacate or correct the award?**

In most cases you have up to 100 days after the date the Notice of Award was mailed to you. But, if the other side asks the court to confirm, correct, or vacate the award that you want to correct or vacate, you must ask the court to correct or vacate the award before the deadline for answering the other side's request.

**Which court do I use for a trial, or to confirm, correct, or vacate the award?**

If a lawsuit has already been filed about the fee disagreement, file your papers in the same court and use same case number as that lawsuit. (Before filing, you must serve all parties named in the claim.)

If no lawsuit has been filed about the fee disagreement, file in the court of the county where the arbitration was held and ask for a trial or ask the court to confirm, correct, or vacate the award.

- If the amount in disagreement is \$5,000 or less, file in Small Claims Court. Use Judicial Council forms SC-100 and SC-101.
- If the amount in disagreement is more than \$5,000, file in Superior Court. See Form ADR-105.

**What if an attorney doesn't pay the award?**

If an attorney doesn't pay the award, the State Bar can help you. Wait 100 days after receiving the Notice of the Award, or if the award becomes a final judgment, contact the State Bar at:

Mandatory Fee Arbitration  
180 Howard Street, 6th Floor  
San Francisco, CA 94105-1639  
(415) 538-2020

**More Information**

California has special laws for arbitration of disputes over attorney's fees.

For more information, see:

- State Bar of California website ([www.calbar.org](http://www.calbar.org))
- Form ADR-105, Information Regarding Rights After Attorney-Client Fee Arbitration
- Calif. Bus. & Professions Code §§ 6200 – 6206

This form is attached to: ☐ SC-100, Item 1 **OR** ☐ SC-120, Item 2

- 1 If you want to file a small claim and you are doing business under a fictitious name (“doing business as” or “dba”) fill out below.** *(Non-profits and exempt real estate investment trusts do not have to file this form.)*

Business Name of the person suing: \_\_\_\_\_

Business Address: \_\_\_\_\_

- 2 This business does business as** *(Check ONLY one):*

- |   |  |
|---|--|
| <input type="checkbox"/> an individual  | <input type="checkbox"/> a corporation                 |
| <input type="checkbox"/> an association | <input type="checkbox"/> a limited liability company   |
| <input type="checkbox"/> a partnership  | <input type="checkbox"/> Other <i>(specify):</i> _____ |

*You must follow the laws for fictitious business names. If you have not followed these laws, including filing a fictitious business name statement in your county (or Sacramento County) and publishing this information in a local newspaper, the court can dismiss your case.*

- 3 Name of County where you filed your Fictitious Business Name Statement (dba):** \_\_\_\_\_

- 4 Your Fictitious Business Name Statement #:** \_\_\_\_\_

- 5 Date your Fictitious Business Name Statement expires** *(date):* \_\_\_\_\_

- 6** I declare under penalty of perjury under California State law that the information above is true and correct.

**Only the owner, president, CEO or other qualified officer can sign this form.**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print your name and title*



\_\_\_\_\_  
*Sign your name*



**Need help?**

Your county's Small Claims Advisor can help for free.

\_\_\_\_\_

\_\_\_\_\_

Or go to “County-Specific Court Information” at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)



If you are serving a person (not a business or agency), skip to ①.

If you are serving a **business** (sole proprietorship, corporation, partnership, or association), you must serve one of the following people:

- Owner (for a sole proprietorship) or General partner (for partnerships),
- General Manager or Officer (president, vice-president, treasurer, etc.), or
- Any person or agent authorized for service of process.

If you are serving a **public agency**, you must serve one of the following people:

- Clerk, Chief Officer or Director of the agency, or
- Any person or agent authorized for service of process.

To learn more about how to serve a business or agency, read *How to Serve a Business*, Form SC-104C.

Clerk stamps date here when form is filed.

**DRAFT 9**

**03-07-05 AOC**

Fill in court name and street address:

**Superior Court of California, County of**

Clerk fills in case number when form is filed.

**Case Number:**

① Your name: \_\_\_\_\_

② Name of person, business or agency you are suing: \_\_\_\_\_

a. Name of person served: \_\_\_\_\_

b. Business or Agency Name (if applicable): \_\_\_\_\_

c. Title of person you are serving (if you are suing a business or agency): \_\_\_\_\_

### ③ Instructions to Server:

You must:

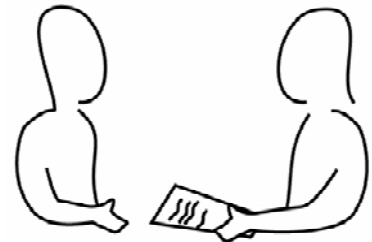
- Be at least 18 years old and not be named in this case.
- Give the person in ② a copy of all documents checked in ④.

If you cannot find the person in ② at home or at work, you can give a copy of the documents checked in ④ to:

- A responsible adult (at least 18) where the person in ② lives, or
- Someone in charge where the person in ② works.

**AND**

- Mail a copy of the documents to the person in ②.
- Then complete and sign this form and give it or mail it to the person in ①.



### ④ I served the person in ② a copy of the documents checked below:

- a. ☐ SC-100, *Plaintiff's Claim and ORDER to Go to Small Claims Court*
- b. ☐ SC-120, *Defendant's Claim and ORDER to Go to Small Claims Court*
- c. ☐ Order for Examination (check the form that was served):

(1) ☐ SC-134, *Application and Order To Produce Statement of Assets and to Appear for Examination*

(2) ☐ AT-138/EJ-125, *Application and Order for Appearance and Examination*

**Note:** The court can issue a warrant if the served party does not come to court **only** if the Order for Examination was personally served by a registered process server, sheriff, marshal or someone appointed by the court.

d. ☐ Other (specify): \_\_\_\_\_

Your name: \_\_\_\_\_

**8 Fill out “a” or “b” below:**

- a.
- ☐
- Personal Service:**
- I personally gave copies of the documents checked in ④ to the person in ② on:

On (date): \_\_\_\_\_ At (time): \_\_\_\_\_ ☐ a.m. ☐ p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

- b.
- ☐
- Substituted Service:**
- I personally gave copies of the documents checked in ④ to a responsible adult (
- at least 18*
- ) where the person in ② lives or works. I told that adult, “These are court papers.” I did this on:

On (date): \_\_\_\_\_ At (time): \_\_\_\_\_ ☐ a.m. ☐ p.m.

At this address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

The name of the adult I gave the court papers to is: \_\_\_\_\_

and he or she (*check one*):☐ lives with the person in ②, or ☐ is in charge where the person in ② works or receives mail.After giving the court papers to this adult (*check one*):

- (1)
- ☐
- I mailed the documents checked above to the person in ② on:

Date: \_\_\_\_\_ Mailed from (city): \_\_\_\_\_

- (2)
- ☐
- I asked someone to mail the documents to the person in ② and I have attached that person’s completed Form SC-104A.

**9 Server’s Information**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Fee for Service: \$ \_\_\_\_\_

*(If you are a registered process server):*

County of registration: \_\_\_\_\_ Registration #: \_\_\_\_\_

- 10**
- I declare under penalty of perjury under California State law that I am at least 18 years old and not named in this case and the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server’s name*\_\_\_\_\_  
*Server signs here after serving*

- ☒ This form is attached to SC-104. Use this form ONLY if you mailed the documents in ② and someone else personally gave them to the person, business, or agency served.

**Notice to Server – You must:**

- Be at least 18 and not be named in this lawsuit.
- Mail a copy of all documents checked in ② below, to the person(s) listed in ③.
- Then, fill out ③ - ⑦ of this form and attach it to form SC-104.

**① Name of person, business or agency asking for service:**

\_\_\_\_\_

**② Documents served by mail:**

- a. ☐ SC-100, *Plaintiff's Claim and Order to Go to Small Claims Court*
- b. ☐ SC-120, *Defendant's Claim and Order to Plaintiff (Small Claims)*
- c. ☐ Order of Examination (*check the form that was served*):
- (1) ☐ SC-134, *Application and Order to Produce Statement of Assets and to Appear for Examination*
- (2) ☐ AT-138/EJ-125, *Application and Order for Appearance and Examination*
- d. ☐ Other (*specify*): \_\_\_\_\_

\_\_\_\_\_

**③ Name and address of each person, business or agency served are:**

Name	Address ( <i>number, street, city, zip code</i> )
a. _____	_____
b. _____	_____
c. _____	_____
d. _____	_____
e. _____	_____
f. _____	_____

☐ Check here if you have more names to list. And, fill out and attach MC-025 to list additional names.

**④ I put copies of the documents listed in ② above in an envelope, sealed the envelope and put first class prepaid postage on it. I mailed the envelope by leaving it at: (*check one*):**

- a. ☐ A U.S. Postal Service mail drop, or
- b. ☐ An office or business mail drop where I know the mail is picked up every day and deposited with the U.S. Postal Service.

**⑤ I mailed the envelope:**

a. On (*date*): \_\_\_\_\_ b. From (*city, state*): \_\_\_\_\_

**⑥ My home or business address is:** \_\_\_\_\_

**⑦ I declare under penalty of perjury under California State law that the information above is true and correct.**

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*



\_\_\_\_\_  
*Server signs here after mailing*

**What is “service”?**

“Service” or “serving” is when someone—*not you or anyone else named in the lawsuit*—gives a copy of your court papers to the person, business, or agency you are suing. Service lets the other party know:

- What you are asking for,
- When and where the trial will be, and
- Their options.

There are strict rules for serving court papers. This form explains how to serve these forms:

- *Plaintiff’s Claim*, SC-100
- *Defendant’s Claim*, SC-120

**How can I serve?**

This form tells you how to serve by *personal* service or *substituted* service.

*Personal* service means someone gives the papers directly to the person being sued.

*Substituted* service means someone gives the papers to an adult where the person lives, works or has a private mailbox (not a U.S. Mail P.O. Box).

**What happens if I do not serve?**

The judge cannot hear your case unless the court papers were served correctly.

**Can the court serve the papers for me?**

Yes. You can pay the court to mail your claim to the person you are suing. But, if the person you are suing or their agent for service doesn’t sign the U.S. mail receipt with their complete name, or if someone else signs the receipt, you will have to serve again using personal or substituted service.

**Who can serve?**

You can ask a friend, a process server, or the Sheriff. The server must be at least 18 and not named in the case.

A “process server” is someone you pay to deliver court forms. Look in the Yellow Pages under “Process Serving.” The Sheriff (or Marshal if your county has one) can also deliver court forms. Look in the County pages of your phone book under “Sheriff.” You must also pay them, unless you qualify for a fee waiver.

**How do I do *personal* service?**

Ask someone who is at least 18 and not named in this case to personally “serve” (give) a copy of your court papers to each person listed on your Proof of Service form SC-104. Give the server a separate Proof of Service form for each person you are suing.

For *personal* service, tell the server to:

- Walk up to the person to be served.
- Say, “These are court papers.”
- Give the person copies of all papers checked on the Proof of Service form SC-104. If the person won’t take the papers, just leave them or put them near the person. It doesn’t matter if the person tears them up.
- Fill out and sign page 2 of the Proof of Service form SC-104.

**How do I do *substituted* service?**

If you don’t want to use personal service or can’t find the person to be served, ask someone who is at least 18 and not named in this case to “serve” (leave) the court papers with a responsible adult (at least 18) where the person lives, or with someone in charge where the person works or where they have their private post office box (not a U.S. Mail P.O. Box). Give the server a separate Proof of Service form for each person you are suing.

For *substituted* service, tell the server to:

- Find a responsible adult where the person lives or an adult in charge where the person works or has a private mailbox.
- Write down that person’s name and say, “Please give these court papers to [name of person to be served].”
- Give that person copies of all papers checked on Proof of Service form SC-104. If the person won’t take the papers, just leave them or put them near the person.
- Mail another copy of the papers (by first class mail) to the person being sued at the same address where you left the papers.
- Fill out and sign page 2 of the Proof of Service form SC-104.

## What does the server do with the Proof of Service form?

If a process server or Sheriff served the papers, they can file the Proof of Service form SC-104 with the clerk. If they use a different Proof of Service form, ask them to list each paper served on their form. Also confirm that they will file the original with the court and will mail you a copy of the filed form. Take it with you when you go to court.

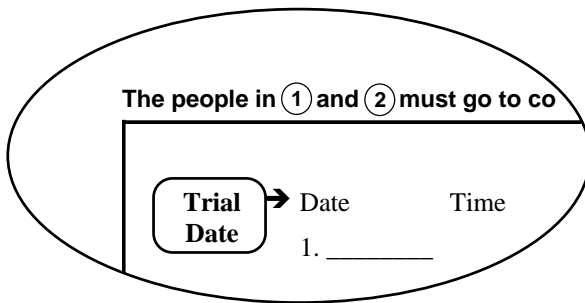
If a friend served the papers, tell them to give the form back to you. Keep a copy for your records and take it with you when you go to court.

In some counties, you need to file the Proof of Service form **before** your trial. Ask the clerk about the deadline for your county.

## When do the court forms have to be served?

If you are serving a Plaintiff’s Claim (SC-100) or a Defendant’s Claim (SC-120), look at the trial date on page 1. Then, look at a calendar.

For *personal* service, subtract 15 days from the trial date (or 20 days if the person lives outside the county). That’s the exact deadline for serving your small claims forms. But you can serve the forms before that date.



For *substituted* service, subtract 25 days from the date the server mailed a copy of the court papers served (or 30 days if the person lives outside the county). That’s the exact deadline for serving your small claims forms. But you can serve the forms before that date.

If the person to be served lives outside California or if you are serving a different form, ask the small claims advisor for more information.

## What if I can’t get the court papers served before the trial?

You must let the court clerk know that you were not able to serve your claim (SC-100 or SC-120) in time before the trial. To do this, fill out Form SC-110 and give or mail a copy of this form to all other parties in the lawsuit.

Then file Form SC-110 with the court at least 10 days before the trial date (or explain why you couldn’t meet the 10-day deadline). The court can postpone your trial for 15 days.

## Who do I have to serve?

If you are suing a person (or people) (not a business or agency) serve each person you are suing. For example, if you were in a car accident, and you are suing the owner and the driver of the car, you must list the name of the owner *and* the driver on your claim and serve both people.

Examples:

If the owner and driver are the same person:  
*Lee Smith, owner and driver*

If the owner and driver are not the same person:  
*Bob Smith and Lee Smith, owners, Lee Smith, driver*

If you are suing a business, association or public agency, read *How to Serve a Business*, SC-104C.



### Need help?

Your county’s Small Claims Advisor can help for free.

\_\_\_\_\_

\_\_\_\_\_

Or go to “County-Specific Court Information” at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

If you are suing a business, association, or public agency, you must serve the right person.

**Important!** If you don't write the correct business name and business owner name on your forms, even if you win your case, you may not be able to collect your judgment.

### If you are suing...

**A business owned by one person** (also called sole proprietorship), serve the owner. Write the name of the owner and the business name on your court forms.

*Example:* Pat K. Smith, individually and doing business as Smith Carpets

To confirm you have the correct business name and business owner name, go to the:

- County Clerk-Recorder Office, (ask to see the fictitious business name statement), or
- City Clerk's Office (ask to see the business license).

If you are suing a landlord, you can get the correct business name and property owner name from the County Tax Collector. If you can't find the property owner, you may be able to serve the property manager. Ask your Small Claims Advisor for help.

**A business that is a partnership**, serve one of the partners and write the name of the partnership and the name of all partners you are suing on your court forms.

*Example:* Pat K. Smith and John L. Smith, individually and doing business as Best Dry Cleaners

To confirm you have the correct business name and partners' names, go to the:

- County Clerk-Recorder Office, (ask to see the fictitious business name statement), or
- City Clerk's Office (ask to see the business license).

If you are suing a general partnership, serve the general partner, general manager, or the agent for service.

**A county or city**, call the county or city and ask who accepts service.

**A state agency**, call the Attorney General's Office and ask who accepts service for the agency you are suing:  
**1-800-952-5225**

You cannot sue the federal government in small claims court.

**A corporation**, serve one of the corporate officers (president, vice-president, secretary, chief executive officer, etc.) or the agent for service and write the name of the corporation on your court forms.

*Example:* Maya, Inc.

If the corporation owns a subsidiary, write the subsidiary name too:

*Example:* Maya, Inc. and doing business as Travel Adventures

To find the agent, officers, and confirm you have the correct name of the corporation, do a business search at the Secretary of State's California Business Portal:

**[www.ss.ca.gov/business/business.htm](http://www.ss.ca.gov/business/business.htm)**

Or call the Secretary of State for instructions:  
**(916) 657-5448**

If you can't find the corporation or no agent is listed, ask your Small Claims Advisor for help.

**An association**, serve one of the association's officers or managing agent for service.

To find the name of the agent or an officer and to confirm you have the correct name of the association, do a search at the Secretary of State's California Business Portal.

**[www.ss.ca.gov/business/business.htm](http://www.ss.ca.gov/business/business.htm)**

Search under Corporation or LP/LLC. Or call the Secretary of State for instructions:  
**(916) 657-5448**

If you can't find the association, ask your Small Claims Advisor for help.



### Need help?

Your county's Small Claims Advisor can help for free.

\_\_\_\_\_

\_\_\_\_\_

Or go to "County-Specific Court Information" at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)

Clerk stamps date here when form is filed.

**DRAFT 6  
03-15-05-AOC****Notice to the person being sued:**

- You are being sued by the person you are suing.
- You must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read page 4 of Form SC-100 to protect your rights.

**Aviso al demandado:**

- La persona que ha demandado lo está demandando a usted.
- Tiene que presentarse a la corte en la fecha de su juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte puede ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea la página 5 del formulario SC-100 para proteger sus derechos.

Fill in court name and street address:

**Superior Court of California, County of**

Write case number and case name here:

**Case Number:****Case Name:****Order to Go to Court****The people in ① and ② must go to court on:** (Clerk fills out below)

<b>Trial Date</b>	→ Date	Time	Department	Name and address of court if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

Date: \_\_\_\_\_ Clerk by, \_\_\_\_\_, Deputy

**Instructions for the person suing:**

- *Before* you fill out this form, read Form SC-150, *Information for the Small Claims Plaintiff*, to know your rights. Get SC-150 at any courthouse, county law library, or go to: [www.courtinfo.ca.gov/forms](http://www.courtinfo.ca.gov/forms)
- Fill out pages 2 and 3 of this form. Then, make copies of **all** pages of this form. (Make 1 copy for each party named in this case, and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else named in this case—give each Plaintiff a court stamped copy of all 5 pages of this form and any pages this form tells you to attach. Government agencies, associations and some businesses have special rules for service. See Forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.

Case Number: \_\_\_\_\_

Your name: \_\_\_\_\_

**1 The Plaintiff (the person, business or agency who sued first) is:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
(Street, City, State, Zip)

Mailing address (if different): \_\_\_\_\_  
(Street, City, State, Zip)

**If more than one Plaintiff, list next Plaintiff here:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
(Street, City, State, Zip)

Mailing address (if different): \_\_\_\_\_  
(Street, City, State, Zip)

☐ Check here if more than 2 Plaintiffs and attach Form SC-100A.

If any Plaintiff is on active military duty, write his or her name here: \_\_\_\_\_

**2 The Defendant (the person, business or agency suing now) is:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
(Street, City, State, Zip)

Mailing address (if different): \_\_\_\_\_  
(Street, City, State, Zip)

**If more than one Defendant, list next Defendant here:**

Name: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_

Street address: \_\_\_\_\_  
(Street, City, State, Zip)

Mailing address (if different): \_\_\_\_\_  
(Street, City, State, Zip)

☐ Check here if more than 2 Defendants and attach Form SC-100A.

☐ Check here if either Defendant listed above is doing business under a fictitious name. If so, attach Form SC-103 and write Fictitious Business Statement number here: \_\_\_\_\_

**3 The Defendant claims the Plaintiff owes \$ \_\_\_\_\_ (Explain below):**

a. Why does the Plaintiff owe the Defendant money? \_\_\_\_\_  
\_\_\_\_\_

b. When did this happen? (Date): \_\_\_\_\_  
If no specific date, give the time period: Date started: \_\_\_\_\_ Through: \_\_\_\_\_

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.) \_\_\_\_\_  
\_\_\_\_\_

☐ Check here if you need more space. Attach one sheet of paper or Form MC-030 and write "SC-120, Item 3" at the top.



Your name: \_\_\_\_\_

- 4 You must ask the Plaintiff (in person, in writing, or by phone) to pay you before you sue.  
Have you done this? ☐ Yes ☐ No

If no, explain why not: \_\_\_\_\_

- 5 Is your claim about an attorney-client fee dispute? ☐ Yes ☐ No

If yes, and if you have had arbitration, fill out Form SC-101, attach it to this form and check here: ☐

- 6 Are you suing a government agency? ☐ Yes ☐ No

If yes, you must file a written claim with the agency first. ☐ A claim was filed on (date): \_\_\_\_\_

If the government agency denies your claim or does not answer within the time allowed by law, you can file this form.

- 7 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☐ No If yes, the filing fee for this case will be higher.

- 8 I understand that by filing a claim in Small Claims Court:

- I have no right to appeal this claim. But, I can appeal the Plaintiff's claim if I lose.
- I cannot file, and have not filed, more than two small claims cases for more than \$2,500 in California during this calendar year.
- If I don't have enough money to pay for filing fees or service, I can ask the Court to waive those fees.

- 9 I declare under penalty of perjury under California State law that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Type or print your name

\_\_\_\_\_  
Sign your name



### Requests for Accommodations

Assistive listening systems, computer-assisted, real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the trial. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Order* (Form MC-410). (Civil Code, § 54.8)



### Need help?

Your county's Small Claims Advisor can help for free.

\_\_\_\_\_

\_\_\_\_\_

Or go to "County-Specific Court Information" at:  
[www.courtinfo.ca.gov/selfhelp/smallclaims](http://www.courtinfo.ca.gov/selfhelp/smallclaims)